



**Village of Colonie  
PLANNING COMMISSION  
ALBANY COUNTY  
NEW YORK**

VILLAGE HALL  
2 THUNDER ROAD  
COLONIE, NY 12205  
(518) 869-7562  
FAX (518) 464-0389  
e-mail:  
ahart@colonievillage.org

**MINUTES  
TUESDAY, AUGUST 21, 2018  
6:30 P.M.**

The regularly scheduled meeting of the Village of Colonie Planning Commission was held on Tuesday, August 21, 2018

**ROLL CALL:** Chairman Chris Dennis  
Commissioners: John Martin  
Ann Krause  
Mike Tommaney  
Peter Chudzinski  
Kenny Hart  
Dan Judge  
Village Attorney: Victor Caponera  
Village Engineer: R.J. Laberge

Chairman Dennis opened the meeting at 6:30. Commissioner Hart led the Pledge of Allegiance and asked that all phones and pagers be silenced. The Commission reviewed the minutes from August 7, 2018. Commissioner Hart made a motion to approve the minutes as amended. Commissioner Krause seconded the motion.

**VOTE:** Unanimous to approve the minutes from the August 7, 2018 regular meeting minutes as amended.

**APPLICANT:** **1583 CENTRAL AVE  
CAPITAL KITCHEN & GRANITE  
(TENANT CHANGE)**

Mr. Lucky Cecunjanin owner of Capital Kitchen and Granite came before the Commission to propose a change of tenant application. Mr. Cecunjanin stated that he currently operates this business at 1526 Central Ave, the former Annette's Bridal Shop. Mr. Cecunjanin stated that the property owner is raising the rent so a different business can go into the space. Mr. Cecunjanin stated that he wants to stay in the Village, so he found a new showroom space at 1583 Central Ave. Attorney Caponera stated that this building was formerly housed MacFawn's Fire and Restoration operations.

Chairman Dennis stated that the business is low volume and asked if any of the Commissioners had any comments regarding the application. Attorney Caponera asked if the site conforms to what

was previously approved. Chairman Dennis stated yes, after changes were made to the site the last time the property was before the Commission, an inspection was completed by the Village. Commissioner Martin noted according to the plan submitted that the area being occupied by the applicant is 800 sq. ft. Commissioner Martin asked if there are any other tenants in the building. Mr. Cecunjanin stated that the property owner has a small office in the front of the building and there are no other tenants. Commissioner Hart asked the applicant to indicate where Central Ave is with respect to the submitted plan. Mr. Cecunjanin indicated where Central Ave is on the site plan for the Commissioners. Commissioner Hart asked how many parking spaces there are. Mr. Cecunjanin stated that there are 3 parking spaces in the front and 5 parking spaces in the rear. The Commission asked Mr. Cecunjanin if he would be using the garages to the rear of the property and he confirmed he would not be using them.

Commissioner Hart made a motion to approve Capital Kitchen and Granite at 1583 Central Ave. Commissioner Krause seconded the motion.

VOTE: Unanimous to approve the application as presented.

**APPLICANT:**

**1520 CENTRAL AVE  
DCK ROYALE LLC  
(TENANT CHANGE)**

Mr. Brent Tague, Real Estate Agent and Ms. Donna Hercules, owner of DCK Royale LLC came before the Commission to seek a tenant change at 1520 Central Ave Suite A. Ms. Hercules stated that she is the owner of DCK and D-Alli, a division of DCK which is a retail couture line for girls ranging from newborn to 14 years old. Ms. Hercules stated that she is currently operating this business on Route 9 in Clifton Park and is looking for a more accessible and visible storefront. Ms. Hercules stated that her collection has been featured in several publications including Vogue and has been involved in the Secret Room Event at the Emmy Awards.

Commissioner Hart asked what the hours of operation will be. Ms. Hercules stated that right now she plans to be open Tuesday-Saturday from 11 am to 7 pm and closed Sunday-Monday. Ms. Hercules added that if business goes well that she may be open 7 days a week. Commissioner Hart advised the applicant that if she changes her hours and days of operation she would need to come back to the Planning Commission to amend her application. Ms. Hercules stated that she would amend the hours of operation on the current application. Ms. Hercules changed the days of operation to Monday – Sunday with hours of operation staying 11 a.m. to 7 p.m. as originally submitted. The amended application was submitted into the record.

Commissioner Martin asked how many people are in the store at any given time. Ms. Hercules stated that she typically has about 2-3 people in the store. Commissioner Martin stated that he did not see a problem with the parking on this site.

Commissioner Martin made a motion to approve DCK Royale LLC at 1520 Central Ave Suite A. Commissioner Tommaney seconded the motion.

VOTE: Unanimous to approve the application as amended.

**APPLICANT:****1741 CENTRAL AVE  
SPRING HEALTHY CENTER  
(CHANGE OF USE)**

Ms. Cheng Kuen Ling, owner of Spring Healthy Center, Mr. David Freedman, attorney and Ms. Cheng Faiyam, translator, came before the Commission to present a change of use at 1741 Central Ave. Chairman Dennis stated that as per the letter dated August 2, 2018 included in the Commissioner's packets from Code Enforcement Officer Mike Cerone, the proposed type of business has not been approved.

Mr. Freedman stated that the previous use of this location was a nail salon formally known as "Jasmine's." Mr. Freedman stated that there are now too many nail salons in the area and his clients business was not doing well and she decided to change the use from nails to foot massages. Mr. Freedman apologized on behalf of this client as she did not know the process to change the use of her business.

Attorney Caponera read minutes from the Planning Commission meeting held on February 5, 2013 which indicated a court order forbidding the applicant to offer any massage services. Attorney Caponera stated that he spoke with Mr. Cerone about what he found during the annually conducted Fire Inspection on the property. Mr. Cerone stated that he observed the business no longer operating as a nail salon and saw a number of massage beds. Mr. Cerone stated that he picked up a brochure from the front desk. Mr. Cerone passed around a copy of the brochure to the Commissioners. Mr. Cerone added that he also looked on the business's website which promotes massage services. Mr. Cerone stated that it appeared from his inspection that more is being offered than just foot massages as the applicant is presenting. Attorney Freedman passed around photos of the interior of the business and stated that there are massage chairs in the front room as you walk in. There are two beds located in a back room for customers who request more privacy.

Commissioner Hart asked if the floor plan is staying the same. Mr. Freedman stated yes, no interior changes are to be made. Commissioner Hart asked about the barber shop in the back. Mr. Freedman stated that is a separate business. Commissioner Judge noted that on the change of occupancy application, number 25 it indicates the use as a hair and nail salon. Chairman Dennis asked if there are any nail stations in this space. Mr. Freedman stated that the business is only offering foot massages. There are 6 massage chairs in the main room and 2 massage beds in the back room. Chairman Dennis asked how many employees there will be. Mr. Freedman stated that Ms. Ling is there full time and there is one part time employee for a total of 2 employees. Mr. Freedman stated that occasionally Ms. Ling's friends come in to visit and sit in the chairs. Commissioner Hart asked if any chairs will be rented out. Mr. Freedman answered no.

Regarding question 19 on the change of occupancy application, Commissioner Hart asked if there will be any adult entertainment at this location. Mr. Freedman stated absolutely not. Commissioner Hart asked for the owner to answer the question. Through the translator, Ms. Ling stated that there will be no adult entertainment.

Chairman Dennis asked what kind of licenses are required to operate the business. Mr. Freedman stated that Ms. Ling has a cosmetology license and the part time employee has a massage therapist license. Mr. Freedman presented both licenses for Ms. Ling and her part time employee for Commission to look at. A copy of the certificates were taken and submitted into record. Commissioner Hart noted that the part time employee has an address in Flushing New York. Through the translator, Ms. Ling stated that her employee travels back and forth from Flushing and works at this location about 2-3 days a week. Engineer Laberge stated that he does not think a LMT license is needed for foot massages, only full body massage. Mr. Freedman clarified that there are no full body massages being offered. The back room is only for patrons who would like more privacy. Mr. Freedman addressed the past legal issues that Ms. Ling faced a few years ago and stated Ms. Ling learned her lesson and has moved forward. Ms. Ling is aware of the restrictions set forth by the court. Mr. Freedman stated that Ms. Ling lives in the upstairs apartment. There is a total of 2 cars for the apartment.

Chairman Dennis stated that the building department can monitor the use of the business and notify the Planning Commission if any of the services change. Commissioner Hart stated that he is not comfortable with the proposed services in the application and what is advertised in the brochure, Living Today section of the newspaper and website. Attorney Caponera asked the applicant to explain how the website and the application depict the same services being offered. Mr. Freedman asked that if the applicant agrees to change the website information and replace the brochure to indicate foot massages only, would the Commission approve the use. Chairman Dennis stated that he is concerned about the beds and asked the applicant if they can be replaced with chairs. Mr. Freedman and the applicant agreed and would make these changes immediately. Commissioner Judge asked if pedicures will be offered as well. Mr. Freedman stated no, the applicant got rid of all the nail service supplies and will only be offering foot massages. Chairman Dennis suggested that the applicant make the discussed changes, call the building department to verify the changes and come back to Planning. Chairman Dennis stated that the September meetings are on the 4<sup>th</sup> and 18<sup>th</sup>. Mr. Freedman requested the application be adjourned until to September 18<sup>th</sup> meeting to ensure Ms. Ling has enough time to remove and replace the advertisements. The Commission unanimously agreed to adjourn the application until September 18<sup>th</sup>.

**APPLICANT:**

**1529 CENTRAL AVE  
SHI PROPERTIES  
(SITE PLAN REVIEW)**

Mr. Bo Sze was before the Commission to provide an updated site plan for a proposed handicap ramp at 1529 Central Ave. Engineer Laberge stated that he reviewed a previously submitted site plan and would like to discuss his review. Engineer Laberge stated that the ramp in the rear of the building does not meet the ADA requirements to be handicap accessible. Engineer Laberge added that he reviewed that last approved site plan on file which does not have a handicap space. He suggested the applicant make a handicap parking space out front of the building. Engineer Laberge stated that the angled parking spaces are not a good idea as it makes it difficult to pull in and out of the spaces. The previous site plan shows straight on parking. Engineer Laberge asked what kind of delivery trucks will be unloading at the site because anything larger than a box truck would not be able to maneuver the site. Mr. Sze stated that deliveries would be made by small box trucks.

Mr. Sze provided a picture of the current conditions of the site. Engineer Laberge stated that he does not know how accurate the site plan is with respect to the reported 16 feet from the edge of the pavement to Nicholas Drive. Engineer Laberge states that this does not appear to be accurate with respect to the existing condition. Engineer Laberge added that the trees on the current site are pine trees, not poplar as the new site plan shows.

Commissioner Hart asked about the storage pods in the rear of the property. Mr. Sze stated he sold one pod and the second pod will be gone soon. Engineer Laberge stated that he will speak to Mr. Sze's engineer to make sure the site plan is accurate to the existing condition. The dumpsters are not shown on the site plan. Engineer Laberge stated that the greenspace square footage is being maintained and therefore will not need a variance. Engineer Laberge suggested that the handicap parking spaces be on the same side as the entrance to the ramp per ADA compliance.

Chairman Dennis stated that there still needs to be some changes and upgrades and suggested to Mr. Sze that his engineer contacts Engineer Laberge to smooth out some of the details; once that is done Mr. Sze can come back to the Commission. Chairman Dennis asked the Commission if they have any issues with the use. Commissioner Martin stated that he was in favor of the applicant coming back to the Commission once the engineers have made changes to the site plan. Mr. Sze stated that he is in the process of cleaning up the property. Attorney Caponera stated that there is no problem in the applicant cleaning up the site. Engineer Laberge asked how many dumpsters are on the site and where are they located. Mr. Sze pointed out on the provided site plan where the dumpsters are. Mr. Sze stated that there are 2 dumpsters. Commissioner Hart asked if there were dumpster pads. Mr. Sze stated no. Commissioner Hart suggested the Commission place restrictions on pickup times for garbage removal. The Commission discussed and agreed on restricting the garbage removal to between 7a.m. – 9 p.m.

The Commission agreed to adjourn the application until the next meeting.

#### **DISCUSSION:**

Mr. Joe Clark was in the audience and requested an update on the conditions of approval for his project at 124 Lincoln Ave. Engineer Laberge stated that he has not received the following; revised site plans, elevations, mylars and paper copies of the subdivision plans and building plans. Engineer Laberge stated that he did receive the Health Department approval and the easements. Attorney Caponera stated that he met with Mr. Costa and went over all the easements and cross maintenance agreements. Attorney Caponera stated that he needs the easements in a recordable form in order to send them into the County.

The Commission discussed different queuing options of the proposed Wendy's at 1770A Central Ave. The Commission reviewed Albany County Planning Board's recommendation for the site. The Commission agreed to ask the applicant to look into reconfiguring the drive thru aisle and queuing.

Commissioner Hart stated that he has witnessed on several occasions Mavis Tire operating with the garage doors open. Commissioner Hart also stated that he checked the conditions of approval that stated the business must keep the doors closed. He suggests Code Enforcement notify the

business to close the doors during operation or come back to the Planning Commission to request a change in the conditions of approval. The Commission was in agreement and recommends Code Enforcement to contact Mavis Tire.

Chairman Dennis updated the Commission about the Hotel/Motel local law that the Mayor and Trustees passed at last night's board meeting. This will require the local hotels and motels to require their patrons to register with a government issued ID with picture stating proof of residency and limit their stay to 28 days. The Commission is supportive of this new law.

Attorney Caponera gave an update on Mia Lucci's at 1647 Central Ave. Attorney Caponera showed the Commission an updated site plan that Mr. Kazanjian plans to provide the Commission. The new plan will eliminate a parking space and remove the blacktop in front of the house. The greenspace will be extended back to the street. Attorney Caponera stated that there is a court date set for Thursday on this case and will update the Commission with any new information.

Commissioner Hart made a motion to adjourn the meeting. Commissioner Martin seconded the motion.

VOTE: Unanimous to adjourn the meeting at 8:05 p.m.

Respectfully Submitted,

Alexandra M. Hart  
Planning Coordinator  
Village of Colonie